

IN RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
W/S Belair Road, 240 ft. NE  
of c/l Cliffvale Road \* ZONING COMMISSIONER  
9708 Belair Road  
11th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District  
Legal Owner: Charles M. Cahn, Jr. \* Case No. 95-188-X  
& Walter T. Tacka, Trustees U/W  
L.M. Butz, deceased, et al \*  
Contract Purchaser: K&K Hardware  
\* \* \* \* \*

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above captioned matter originally came before the Zoning Commissioner as a Petition for Special Exception for the subject property known as 9708 Belair Road in the Perry Hall section of Baltimore County. Relief was requested pursuant to Section 230.13 of the BCZR to allow a service garage for the rental of trucks and trailers on Parcel A of the subject site. By my Findings of Fact and Conclusions of Law dated January 20, 1995, the subject Petition was granted and relief requested approved. Moreover, pursuant to Section 502.2 of the BCZR, certain restrictions precedent to the granted relief were imposed.

One of the restrictions imposed related to a perimeter fence surrounding the truck and trailer storage area. That fence, its length and configuration, were the subject of testimony and evidence presented at the hearing by both the Petitioner and from Jeffrey Long, a employee of the Office of Planning and Zoning.

Subsequent to the issuance of the January 20, 1995 Order, correspondence was received from counsel for the Petitioner. That correspondence, dated February 13, 1995, shall be treated as a Motion for Reconsideration. The Motion indicated that ongoing discussions between the Office of Planning and Zoning and Petitioner continued after the hearing and a resolution was reached as to the fence and restriction No. 3 in the Order. The Petitioner, with the agreement of the Office of Planning and

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Zoning, has requested that restriction #3 be deleted and that new language be substituted.

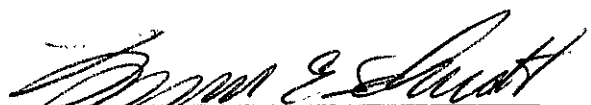
THEREFORE, it is ordered by the Zoning Commissioner for Baltimore County this 17<sup>th</sup> day of February, 1995 that the Findings of Fact and Conclusions of Law rendered on January 20, 1995, be and is hereby amended; and,

IT IS FURTHER ORDERED that, pursuant to the Amended Petition for Special Exception and Motion for Reconsideration, restriction No. 3 in the aforementioned Order, be and is hereby stricken and in lieu thereof, the following is added:

3. The two sides of the storage area and the truck and trailer storage area which face the residentially zoned property shall be fenced. The fence to be installed would be a board-on-board/stockade fence along the side facing Cliffvale Road and along the rear of the truck and trailer storage area. This fence will be strapped to the chainlink fence which exists along a portion of the boundary on the Cliffvale Road side. The purpose of this fencing is to buffer this area from neighborhood uses. The Petitioner shall have a period of one year within which to erect this fence. Additional landscaping shall not be required; and,

IT IS FURTHER ORDERED that in all other respects, except as expressly set forth herein, the Findings of Fact and Conclusions of Law, issued January 20, 1995, be and is hereby ratified, adopted and incorporated herein; and,

IT IS FURTHER ORDERED that any appeal from this Amended Order must be be filed within thirty days from the date hereof in accordance with the applicable provisions of law.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

ORDER RECORDED FOR FILING  
Date 2/17/95  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

February 16, 1995

Robert W. Cannon, Esquire  
Weinberg and Green  
100 South Charles Street  
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL EXCEPTION  
Legal Owner: Charles M. Cahn, Jr., et al, etc.,  
Contract Purchaser: K & K Hardware, Petitioner  
Case No. 95-188-X  
Property: 9708 Belair Road

Dear Mr. Cannon:

Enclosed please find a copy of the Amended Findings of Fact and Conclusions of Law rendered in the above captioned matter.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
att.

cc: Paul Lee Engineering, Inc.  
cc: Mr. Michael Kovach  
cc: Mr. and Mrs. Robert C. Morley  
cc: Mr. and Mrs. Gerald D. Horn



IN RE: PETITION FOR SPECIAL EXCEPTION \* BEFORE THE  
W/S Belair Road, 240 ft. NE  
of c/l Cliffvale Road \* ZONING COMMISSIONER  
9708 Belair Road \* OF BALTIMORE COUNTY  
11th Election District \*  
5th Councilmanic District \*  
Legal Owner: Charles M. Cahn, Jr. \* Case No. 95-188-X  
& Walter T. Tacka, Trustees U/W  
L.M. Butz, deceased, et al \*  
Contract Purchaser: K&K Hardware \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 9708 Belair Road in the Perry Hall section of Baltimore County. Relief is requested pursuant to Section 230.13 of the Baltimore County Zoning Regulations (BCZR) to allow a service garage for the rental of trucks and trailers on Parcel A of the subject site. The Petition is filed by Charles M. Cahn, Jr. and Walter F. Tacka, Residuary Trustees under the Last Will of Leona M. Butz, deceased. Joining in the request as co-Petitioner is K & K Hardware, Lessee.

Appearing at the public hearing held for this case was Michael Kovach, on behalf of K & K Hardware. Also present was Bob Wienstadt and Paul Lee of Paul Lee Engineering, the engineer who prepared the site plan. The Petitioner was represented by Robert W. Cannon, Esquire. There were no Protestants present, although letters in opposition to the request were received from Mr. and Mrs. Robert C. Morley and Mr. and Mrs. Gerald D. Horn.

Testimony and evidence presented at the public hearing was that the subject site is approximately 3.05 acres in area and is split zoned B.L. and B.L.-C.S.2. Parcel A of the site is the subject of the special exception and comprises the front portion of the property. Parcel A, itself, is 1.309 acres. Parcel B, the rear portion of the site, is unimproved and comprises the balance of the acreage of the tract. The site is located on Belair Road near the intersection of Cliffvale Road.

ORDER RECEIVED FOR FILING

Date

By

1/20/95  
M. Kovach



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Michael Kovach, the Operating Officer of K & K Hardware testified that his business has leased Parcel A for approximately 5 years. The lease is subject to renewal in February of 1995. Mr. Kovach testified that great economic pressure has been placed on local hardware stores such as his business in the past several years. The super stores such as Hechingers and Home Depot are squeezing the smaller stores out of the market. In order to adjust to these economic demands, Mr. Kovach proposes supplementing his operation by renting U-Haul type vehicles from the site. Under the BCZR, such an operation would be considered a service garage. Specifically, Section 101 of the BCZR defines a service garage as "A garage other than a residential garage where motor driven vehicles are stored, equipped for operation, repaired, or kept for remuneration hire or sale." (emphasis added).

As noted in the letters from the Protestants who did not appear at the hearing and from several pictures presented at the hearing, a portion of the property occupied by the hardware store has not been kept in good repair in the past. As I advised the Petitioner at the hearing, the lawful operation of a hardware store does not equate with the operation of a junk yard. The Petitioner is obligated to obey all zoning rules and regulations and keep the property well maintained. Apparently, the property has been cleaned up and there are no pending zoning violation cases. The Petitioner indicated that the property would be kept clean and orderly.

In any event, the requested special exception is filed to legitimize the rental operation. Clearly, the proposed use will not be a service garage operation in the commonly accepted definition of that term, only the rental of vehicles necessitates the special exception.

Significant testimony was presented by both Messrs. Lee and Kovach regarding the property and its use. The proposed parking area shown on the

ORDER RECEIVED FOR FILING

Date

By

plan is for the storage of the rental vehicles. It is to be also noted that the site is improved with a 15,000 sq. ft. building. The hardware store operation occupies 12,000 sq. ft. of the building and the remaining 3,000 sq. ft. is occupied by the offices of Baltimore Tile and Marble.

The only contested issue raised at the hearing related to a screening of the truck and trailer storage area. As shown on the site plan, that area is enclosed by a chain link fence. At the conclusion of the hearing, it was proffered that the Petitioner and a representative from the Office of Planning and Zoning, who reviewed this request, had agreed that the chain link fence around the perimeter of the storage area would be slatted so as to screen that area. This will, apparently, provide the necessary screening and buffering to the surrounding properties while not subjecting the Petitioner to significant expense. Such an arrangement will be added as a restriction to the approval granted in this Order.

As to the proposed special exception use, I am persuaded that same should be granted. The testimony and evidence offered was uncontradicted and persuasive that the service garage use, as proposed, will not be detrimental to the surrounding locale. I shall further restrict my Order, so as to allow only the rental of trucks and trailers from this location. A more traditional service garage at this site may not be practical or preferable for this site. Thus, the special exception relief herein is granted only to K & K Hardware and its successors and assigns. Only truck and trailer storage and rental shall be permitted on the site. There will be no repair or sales from this site, nor those activities most commonly associated with a service garage.

ORDER RECEIVED FOR FILING

Date

1/20/95

By

*[Signature]*

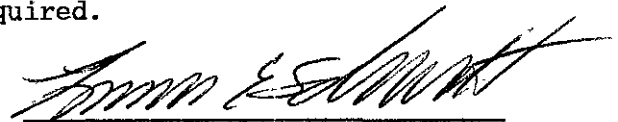
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20<sup>th</sup> day of January, 1995 that, pursuant to the Petition for Special Exception, approval to allow a service garage for the rental of trucks and trailers on Parcel A of the subject site, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The authority granted by this Order is personal to K & K Hardware, its successors and assigns. The relief granted herein shall permit only the storage and rental of trucks and trailers from the subject site and not the repair thereof.

3. The perimeter fence which surrounds the truck and trailer storage area, as shown on the site plan, shall be slatted so as to buffer said area from neighboring uses. Additional landscaping shall not be required.



LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING  
JAN 20 1995  
BY [Signature]



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

January 25, 1995

(410) 887-4386

Robert W. Cannon, Esquire  
Weinberg and Green  
100 South Charles St.  
Baltimore, Maryland 21201

RE: Petition for Special Exception  
Case No. 95-188-X  
Legal Owner: Charles M. Cahn, Jr., et al, etc.,  
Contract Purchaser: K & K Hardware  
Property: 9708 Belair Road

Dear Mr. Cannon:

Per your telephone message, this date, enclosed please find a revised letter correcting the first paragraph, second sentence, regarding the above captioned case. The sentence should have read: "The Petition for Special Exception has been granted in accordance with the attached Order." The cover letter, that was enclosed with the Order dated January 20, 1995 granting the Petition, stated that the Petition for Special Exception was denied. This was in error, and it should have read "granted". I apologize for the mistake.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

cc: Paul Lee Engineering, Inc.  
cc: Mr. Michael Kovach  
cc: Mr. and Mrs. Robert C. Morley  
cc: Mr. and Mrs. Gerald D. Horn



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 25, 1995

Robert W. Cannon, Esquire  
Weinberg and Green  
100 South Charles St.  
Baltimore, Maryland 21201

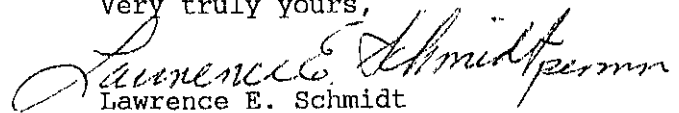
RE: Petition for Special Exception  
Case No. 95-188-X  
Legal Owner: Charles M. Cahn, Jr., et al, etc.,  
Contract Purchaser: K & K Hardware  
Property: 9708 Belair Road

Dear Mr. Cannon:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.

cc: Paul Lee Engineering, Inc.  
cc: Mr. Michael Kovach  
cc: Mr. and Mrs. Robert C. Morley  
cc: Mr. and Mrs. Gerald D. Horn

MICROFILMED





# Petition for Special Exception

95-188-X

## to the Zoning Commissioner of Baltimore County

for the property located at 9708 Belair Road  
which is presently zoned BL and BL-CS2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a service garage for the rental of trucks and trailers on Parcel A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

K&K Hardware

(Type or Print Name) Michael Kovach  
President

Signature [Signature]

Address 9708 Belair Road

City Baltimore, Maryland State 21236 Zipcode

Attorney for Petitioner:

Robert W. Cannon, Esquire

(Type or Print Name)

Signature [Signature]

Address Weinberg and Green  
100 South Charles Street Phone No. 332-8816

City Baltimore, Maryland State 21201 Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): Charles M. Cahn, Jr. and  
Walter F. Tacka, Residuary Trustees  
U/W Leona M. Butz, Deceased

(Type or Print Name)

Signature [Signature]

Lillian Morstein

(Type or Print Name)

Signature [Signature]

Address 20 South Charles Street, Suite 1200 Phone No. 539-7558

City Baltimore, Maryland State 21201 Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert W. Cannon, Esquire

Address Weinberg and Green  
100 South Charles Street Phone No. 332-8816  
Baltimore, Maryland 21201

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.  
unavailable for Hearing

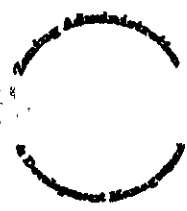
the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: [Signature] DATE 11/18/94



RECEIVED



*Paul Lee, P.E.*

*Paul Lee Engineering Inc.*

*304 W. Pennsylvania Ave.*

*Towson, Maryland 21204*

*410-821-5941*

95-188-X

DESCRIPTION

9708 BELAIR ROAD  
ELECTION DISTRICT 11C5  
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the West side of Belair Road, said point also being located Northeasterly 240'+ from the center of Cliffvale Road, thence leaving said West side of Belair Road, (1) N 45°15'28" W 186.63', (2) S 43°48'50" W 105.24', (3) N 45°53'21" W 365.75', (4) N 43°36'39" E 277.57', and (5) S 45°41'54" E 549.27' to the West side of Belair Road, thence binding on the West side of Belair Road (6) S 42°26'43" W 172.83' to the point of beginning.

Containing 3.058 acres of land, more or less.

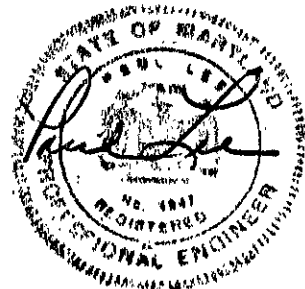
DESCRIPTION

PARCEL A = 1.309 ACRES +

Beginning for the same at a point on the West side of Belair Road, said point also being located Northeasterly 240'+ from the center of Cliffvale Road, thence leaving said West side of Belair Road, (1) N 45°15'28" W 335.61', (2) N 44°18'06" E 170.13', (3) S 45°41'54" E 330' to the West side of Belair Road, thence binding on the West side of Belair Road, (4) S 42°26'43" W 172.83' to the point of beginning.

Containing 1.309 acres of land, more or less.

# 184



Engineers — Surveyors — Site Planners

11/7/94

J. O. #94037

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-188-X

District: 116A Date of Posting: 12/4/94

Posted for: Special Exception

Petitioner: Charles Caban - Walter Tacke - K & K Hardware

Location of property: 9208 Belair Rd., W/S

Location of Signs: Facing roadway on property being zoned.

Remarks: \_\_\_\_\_

Posted by: M. M. Brady Date of return: 12/9/94  
Signature

Number of Signs: 1

MICROFILMED

# CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 2, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 1, 1994.

**THE JEFFERSONIAN,**

*A. Henrickson*

**LEGAL AD. - TOWSON**

~~Subscribed~~

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-188-X  
(Item 184)  
9708 Belair Road  
W/S Belair Road, 240' NE  
of 21<sup>st</sup> Street  
118, Old Courthouse  
Towson, Md. 21204

Charles W. Smith and  
Walter J. Smith, Trustees  
UAW Local No. 184, De-  
ceased & Lillian Morstein  
Contract Purchaser(s);  
K & K Hardware  
Hearing: Wednesday,  
December 21, 1994 at  
9:00 a.m. in Rm. 118, Old  
Courthouse.

Special Exception for a  
service garage for the rental of  
trucks and trailers on Parcel A.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handi-  
capped Accessible; for special ac-  
commodations Please Call  
887-3353.

(2) For information concern-  
ing the File and/or Hearing, Please  
Call 887-3391.

12/087 December 1.

MICROFILMED



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

95-188-X

Account: R-001-6150

Number

Item # 184

Taken In

By: MDK

Date 11/18/94

K and K Hardware — 9708 Belair Road

050 - Special Exemption — \$ 300.00

080 - 1 sign — \$ 35.00

Total — \$ 335.00

RECEIVED

01A01W0079MICHR

\$335.00

BA 0009:20AM11-18-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 184

Petitioner: K + K Hardware

Location: 9708 Belair Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert W. Cannon, Esquire

ADDRESS: Weinberg and Green

100 South Charles St. Balto. MD 21201

PHONE NUMBER: 332-8816

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY  
December 1, 1994 Issue - Jeffersonian

Please forward billing to:

Robert W. Cannon, Esq.  
Weinberg and Green  
100 S. Charles Street  
Baltimore, Maryland 21201  
410-332-8816

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-188-X (Item 184)  
9708 Belair Road  
W/S Belair Road, 240' NE of c/l Cliffvale Road  
11th Election District - 5th Councilmanic  
Legal Owner(s): Charles M. Cahn, Jr. and Walter T. Tacka, Trustees U/W Leona M. Butz, Deceased & Lillian Morstein  
Contract Purchaser(s): K & K Hardware

HEARING: WEDNESDAY, DECEMBER 21, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a service garage for the rental of trucks and trailers on Parcel A.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

NOVEMBER 28, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-188-X (Item 184)

9708 Belair Road

W/S Belair Road, 240' NE of c/l Cliffvale Road

11th Election District - 5th Councilmanic

Legal Owner(s): Charles M. Cahn, Jr. and Walter T. Tacka, Trustees U/W Leona M. Butz, Deceased & Lillian Morstein

Contract Purchaser(s): K & K Hardware

HEARING: WEDNESDAY, DECEMBER 21, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a service garage for the rental of trucks and trailers on Parcel A.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Charles M. Cahn, Jr., et al  
K & K Hardware  
Robert W. Cannon, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

December 14, 1994

Robert W. Cannon, Esquire  
100 South Charles Street  
Baltimore, Maryland 21201

RE: Item Number: 184  
Case Number: 95-188-A  
Petitioner: Cahn, and Tacka

Dear Mr. Cannon:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Zoning Administration and Development Management (ZADM), Development Control, on November 18, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce N. Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jnw  
Enclosure(s)

MICROFILMED



Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 12/05/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: CHARLES M. CAHN, JR. AND WALTER F. TACKA,  
RESIDUARY TRUSTEES U/W LEONA M. BUTZ DECEASED & LILLIAN MORSTEIN.  
LOCATION: W/S BELAIR RD., 240' NE OF CENTERLINE CLIFFEVALE RD. (9708  
BELAIR RD.)

Item No.: 184

Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED  
DEC 7 1994  
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Dec. 5, 1994  
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for December 5, 1994  
Item No. 184 ✓

The Developers Engineering Section has reviewed the subject zoning item. A landscape buffer should be provided where visible from residences.

RWB:sw

*[Faint handwritten text]*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: December 5, 1994

SUBJECT: 9708 Belair Rd.

INFORMATION:

Item Number: 184  
Petitioner: K&K Hardware  
Property Size: 3.05 acres  
Zoning: BL and BL-CS2  
Requested Action: Special Exception  
Hearing Date:       /      /      

SUMMARY OF RECOMMENDATIONS:

A site inspection revealed no screening and buffering exists, and, as a result, adjacent residents along Cliffvale Road are exposed to unattractive on-site functions related to the hardware store and existing truck and trailer storage area.

While staff does not oppose the applicant's request, it is essential that outside storage of hardware store stock and truck and trailer storage be properly screened to minimize adverse effects on the community. In an effort to insure that screening needs are met, staff plans to meet with the applicant's representatives prior to the hearing.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Keller

PK/JL

*Hearing 12/21*

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
9708 Belair Road, W/S Belair Road, 240'		
NE of c/l Cliffvale Road	*	ZONING COMMISSIONER
11th Election Dist., 5th Councilmanic		
	*	OF BALTIMORE COUNTY
Charles M. Cahn, Jr. and Walter F. Tacka,		
Trustees U/W Leona M. Butz, Deceased	*	CASE NO. 95-188-X
Petitioners		

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> day of December, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert W. Cannon, Esquire, Weinburg and Green, 100 S. Charles Street, Baltimore, MD 21201, attorney for Petitioner.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

**MICROFILMED**

# WEINBERG & GREEN LLC

100 South Charles Street  
Baltimore, Maryland 21201  
410/332 8600 / FAX 410/332 8862

## FACSIMILE TRANSMITTAL

To: Mr. Lawrence Schmidt From: Robert Cannon

Company:

Direct No. 410/332- 8816

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State:

Date: 2/13/95

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Weinberg & Green LLC 1995



## WEINBERG &amp; GREEN LLC

ATTORNEYS AT LAW  
100 SOUTH CHARLES STREET  
BALTIMORE, MARYLAND 21201-2773

TELEPHONE 410/332 8600  
WASHINGTON AREA 301/470 7400  
FACSIMILE 410/332 8862

10480111 FLE PAUXENTI PARKWAY  
COLUMBIA, MARYLAND 21044 3506  
410/740 8500

ROBERT W. CANNON  
410/332 8816

FILE NUMBER  
43427 1

February 13, 1995

VIA FACSIMILE

Honorable Lawrence E. Schmidt  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204

Re: Petition for Special Exception  
Case No. 95-188-X  
Legal Owner Charles M. Cahn, Jr., et al, etc.  
Contract Purchaser: K&K Hardware  
Property: 9708 Belair Road

Dear Commissioner Schmidt:

As a result of our telephone discussion and my consultation with Jeff Long in the Office of Planning of Baltimore County, please consider this letter as a motion for reconsideration concerning your Order dated January 20, 1995 with respect to the referenced matter. Please substitute the attached restriction as Item 3 in the Order in place of Item 3 as it appeared in the original Order. I have submitted this language to Jeff Long and he concurs that it reflects the agreement we reached.

Thank you for your assistance.

Sincerely yours,

  
Robert W. Cannon

16768-D013 Cx# 1,0081/KSM

Enclosure

cc: Mr. Jeff Long  
Mr. Paul Lee

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187X  
WEINBERG & GREEN LLC

ATTORNEYS AT LAW

100 SOUTH CHARLES STREET  
BALTIMORE, MARYLAND 21201-2773TELEPHONE 410/332 8600  
WASHINGTON AREA 501/470 7400  
FACSIMILE 410/332 886210480 LITTLE PATTERSON PARKWAY  
COLUMBIA, MARYLAND 21044-3506  
410/740 8500ROBERT W. CANNON  
410/332 8316FILE NUMBER  
434271

February 13, 1995

VIA FACSIMILEMr. Jeff Long  
Office of Planning and Zoning  
Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204Re 9708 Belair Road - K&K Hardware

Dear Jeff:

Attached you will find a copy of the last page of the Order from Zoning Commissioner Lawrence Schmidt in connection with the referenced matter.

I called Commissioner Schmidt and you with respect to the fact that Paragraph 3 does not reflect the agreement we reached. I indicated that I would forward a letter which would be a motion for reconsideration with a request that the restriction listed as Item 3 be deleted and that the following be substituted in lieu thereof:

"3. The two sides of the storage area and the truck and trailer storage area which face the residentially-zoned property shall be fenced. The fence to be installed would be a board-on-board/stockade fence along the side facing Cliffvale Road and along the rear of the truck and trailer storage area. This fence will be strapped to the chainlink fence which exists along a portion of the boundary on the Cliffvale Road side. The purpose of this fencing is to buffer this area from neighborhood uses. The Petitioner shall have a period of one year within which to erect this fence. Additional landscaping shall not be required."

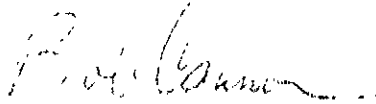
RECEIVED  
FEB 14 1995

WEINBERG & GREEN LLC

Mr. Jeff Long  
February 13, 1995  
Page 2

Please review the enclosed and call me.

Sincerely yours,

  
Robert W. Cannon

16327 DS13.c1; 1/0001/kem

Enclosure

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12/19/94  
J

6045-94  
JT

THELMA E. HORN  
GERALD D. HORN  
9706 BELAIR ROAD  
BALTIMORE, MD. 21236  
PHONE NO. 256-6463

DECEMBER 15, 1994

ZONING COMMISSIONER'S OFFICE  
400 WASHINGTON AV.  
TOWSON, MD. 21204  
MAIL STOP 2112

RECEIVED

DEC 19 1994

MR. LAWRENCE E. SCHMIDT, ZADM

We are writing to you about  
CASE NO. 95-188X and the count day  
for K+K HARDWARE at 9708 BELAIR ROAD  
on Wed. December 21, 1994 at 9:00 AM.  
They want a Special Exception for a  
Service Garage for the rental of U-HAUL  
trucks and trailers on parcel A.

We live next door to K+K Hardware.  
Thelma Horn <sup>(my mother)</sup> and I have been living here for 43  
years and Gerald Horn has been here for  
31 years (all of his life). They are already  
in violation according with the zoning

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office and have received citations  
95-51A, 95-51B and 95-51C.  
These are for an "OPEN DUMP," "SERVICE  
GARAGE" and the property is zoned "B-1."  
They are for 1. vehicle rentals (U-HAUL)  
2. MULCH, PALLETS AND TREE BRANCHES  
DUMPER ON PROPERTY on parking area  
and 3. STORAGE OF BUSINESS RELATED  
MATERIALS NOT WITHIN A FULLY ENCLOSED  
BUILDING in relation to a tile and marble  
co. and a lawn care service which is also  
on the same property as the Hardware Store.

We can't see how they can get away  
with this mess. It is located next to  
a residential house and a professional  
medical building and there are several other  
residential houses to the side and rear  
of the property. All of the other property  
owners keep their places neat and clean  
and we feel that they should be made  
to clean up their mess and keep it up  
like everybody else. It makes PERRY  
HALL look bad on the north side of  
this area. Even BG+E and Falty Automotive  
keep their place neat and clean and it is  
also located across the road from a

Burial home.

They rent the trucks out during the day time and when they close the store they have two messy, bent up gates that cars have already ran into, that they put across their driveways. When the trucks come back in at night people can't get the trucks off of the busy Belair Road and have to stop half-way out in the road and block traffic with hives and horns blowing in the middle of the night. They have already pulled in an drive-way and came to us for help because they couldn't put the truck in the parking lot and get their cars out. We had to put up two reflector post on the sides of our drive way to keep them out of our grass. Sometimes they park the trucks up in the medical building driveway and block it up, sometimes they park them on the side street right down the road which makes it hard for people to get in and out of this street and they have already parked out front on the side walk and part of the way on the road.

Also at one time one of the gates had come unhooked and a car hit it and landed up in our front lawn and it was just about a week ago the Police was called out for the same problem with the gate hanging out in the road and cars almost hitting it and causing a bad accident. There are also some "HAZARDOUS MATERIALS" still stored on the parking lot left from a U-HAUL truck this past summer when the fire dept. had a whole parking lot of special equipment out here to clean it up. We thought that this was supposed to be taken away by K+K HARDWARE but it is still sitting there in drums.

Also we thought that it is up to them to keep a fence along their property and the parking area next to our house. It is falling down with lye in it that I have sprayed several times this summer to keep them away from our house. It has been braced up some but it looks a mess.

We have been telling the owners of K+K HARDWARE about the mess since they have opened up the store. Also we have called the owners of the property but nothing was done so we got a hand

of the county zoning office. Both of the past two hardware stores that were in the building never had such a mess like they have now.

We think that before they can get a zoning exception on this property they should be made to take care of all their violations and clean-up their mess. We have included some pictures taken this summer of the mess around back and of the fence. We were not able to get any of the mess out front. The place looks like a dump and makes PERRY HALL look bad and SHOULD BE MADE TO GET CLEANED UP.

We are sorry that neither one of us can come on the court day. Thelma Horn is a widow and can not drive and has no way to get there and Herald Horn works for Baltimore County Building Maintenance and can not take off on this busy part of the year around Christmas with so many other people off.



We hope that you can do something  
out to help this mess get cleaned up.  
Extreme would be appreciated by us  
and other neighbors as well.

Thank You,

Herald D. Horn  
Helma E. Horn

12/19/94 E.C. 8, 1994  
8 JT

K & K Hardware  
9708 Belair Rd.  
Baltimore, Md. 21236

Case No 95-188-X

Dear Lawrence E. Schmidt,

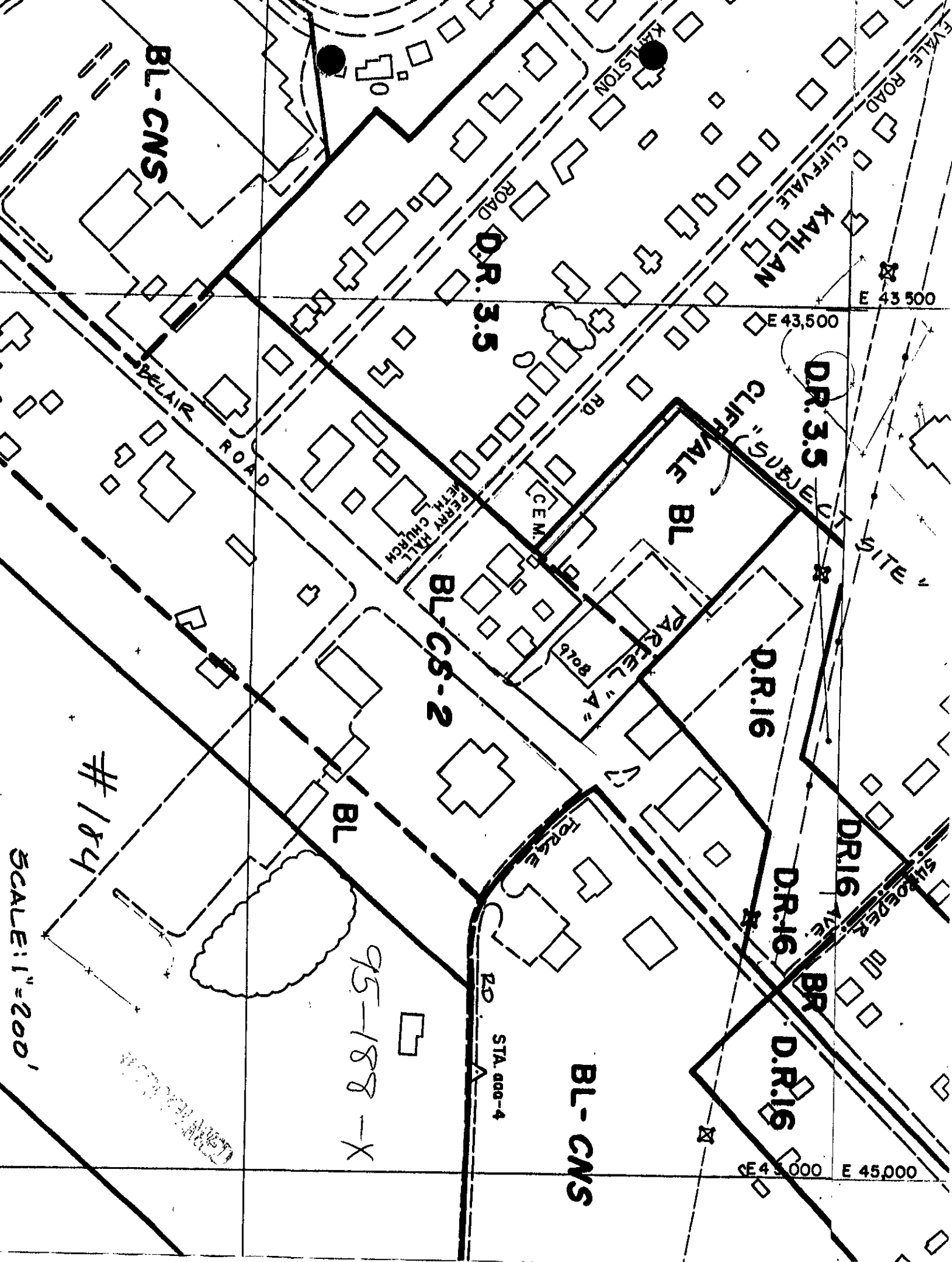
If this property is rezoned K&K Hardware needs to fix up for it. They need to leave the junk gates open so the return trucks aren't parked on Belair Road and Cliffvale Road.

They need to clean that junk yard up. We look out from our house at nothing but junk. This has been one of the worst junk yards in Baltimore County. The county dump looks better than this place.

Why is this kind of thing being allowed in Baltimore County?

We have Plumbing Business - junk trucks (no license no engine no windshields) in them, been there for months and are being allowed. All kinds of violations in B. & L. zones.

you people need to get out here and clean these B & L zones up.



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

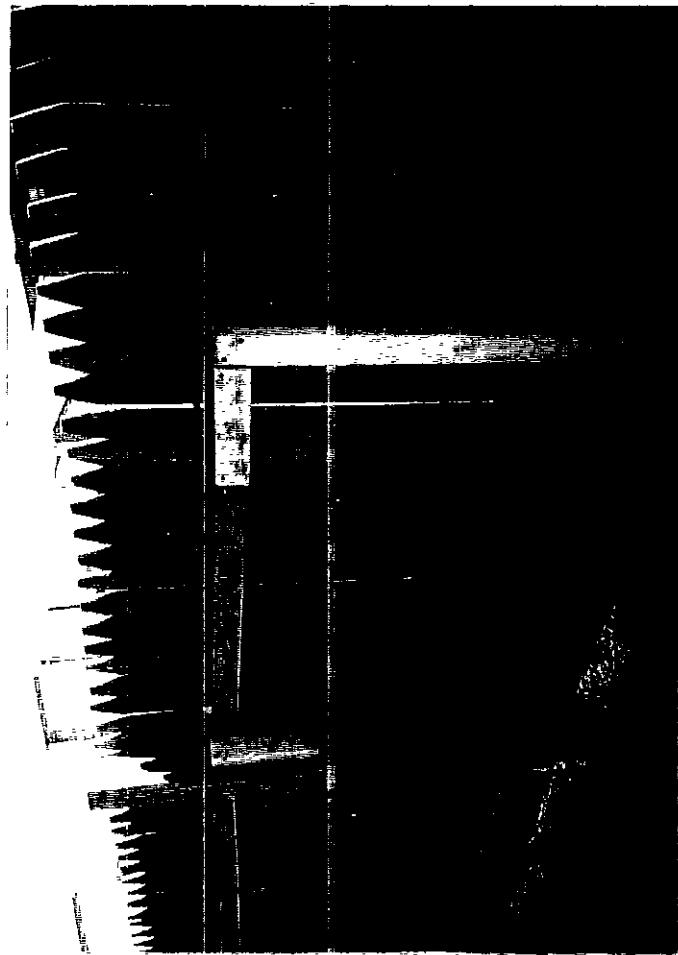
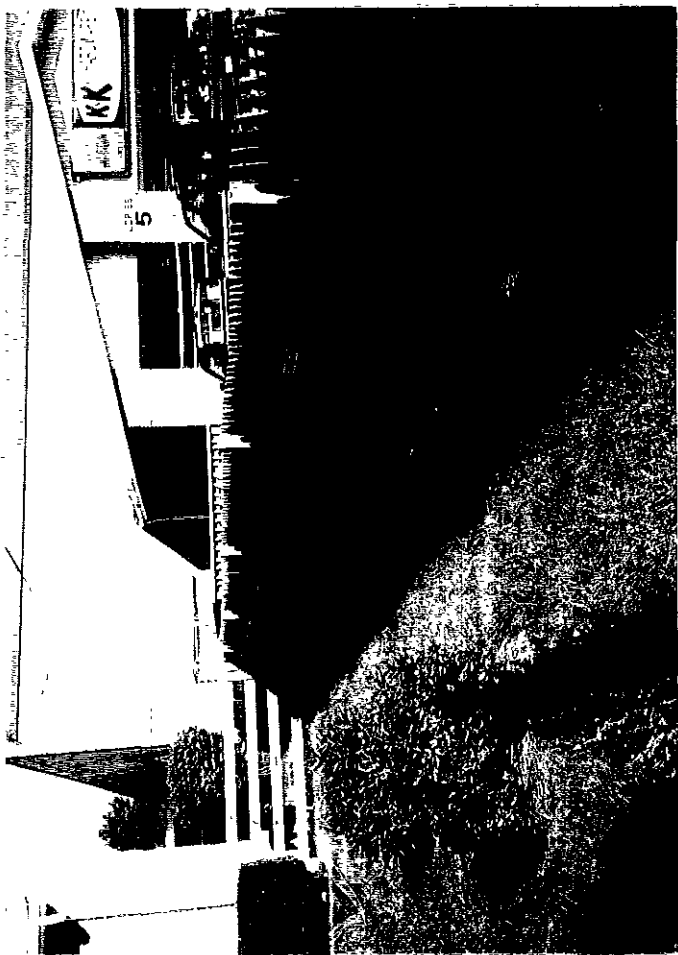
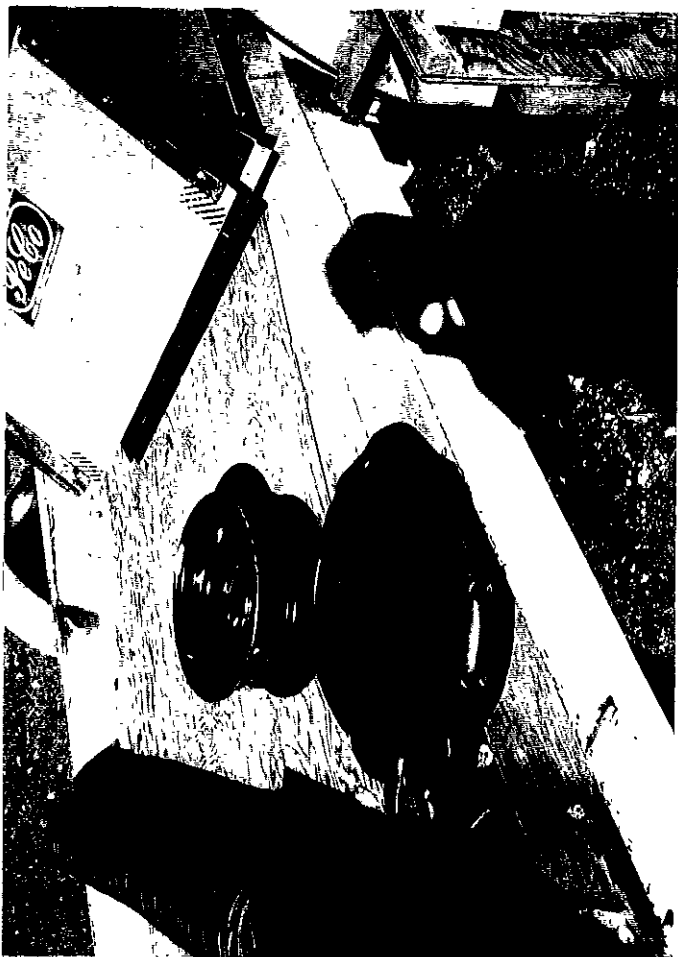
Robert W. Cam  
Michael Kowalski  
Bob Krenshaw  
[Signature]  
Paul Lee

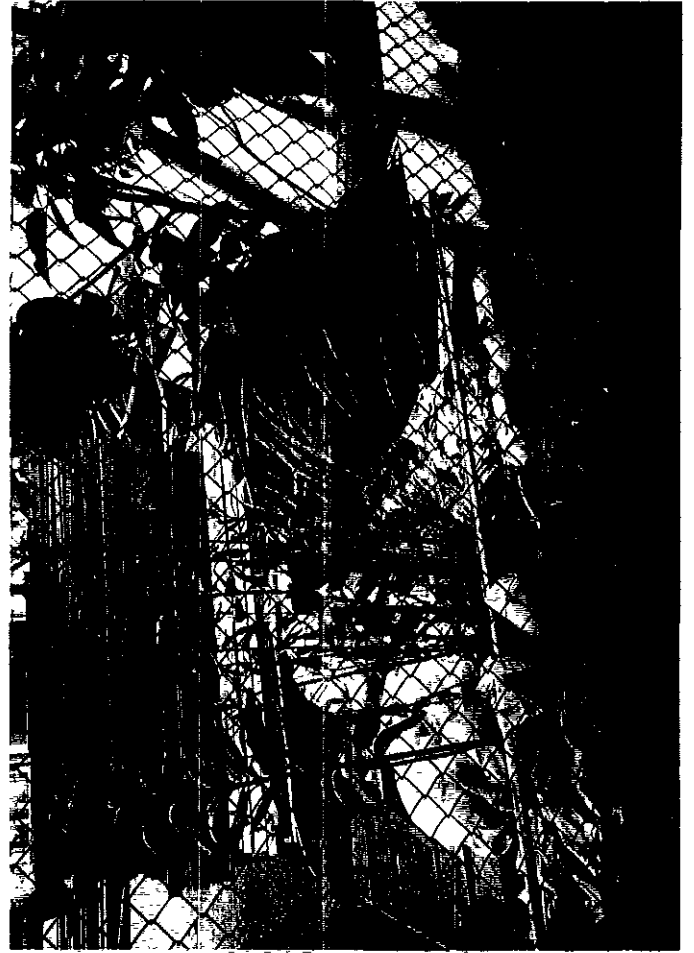
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9708 Koiper Rd 21236  
11205 Lipe Ln 21128  
3421 CHILLUM Rd 20782  
522 Holden Rd 21286

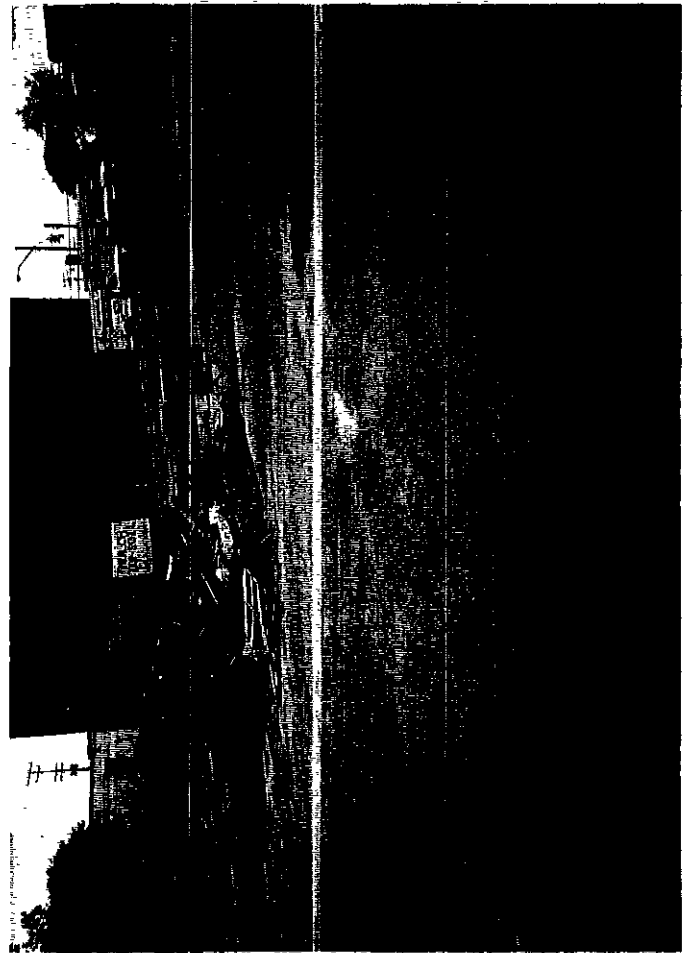
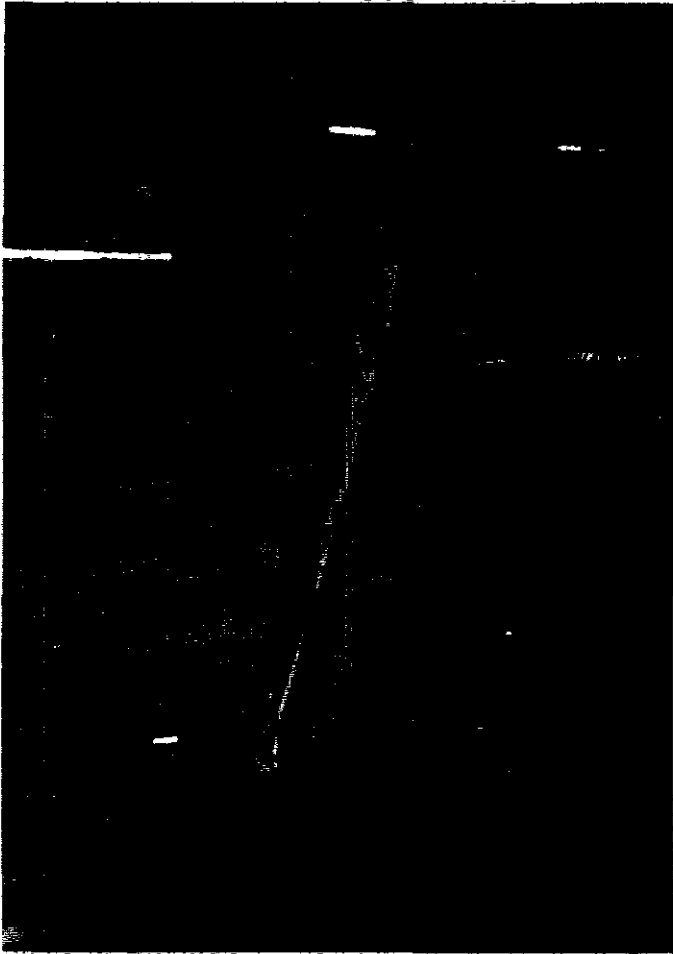


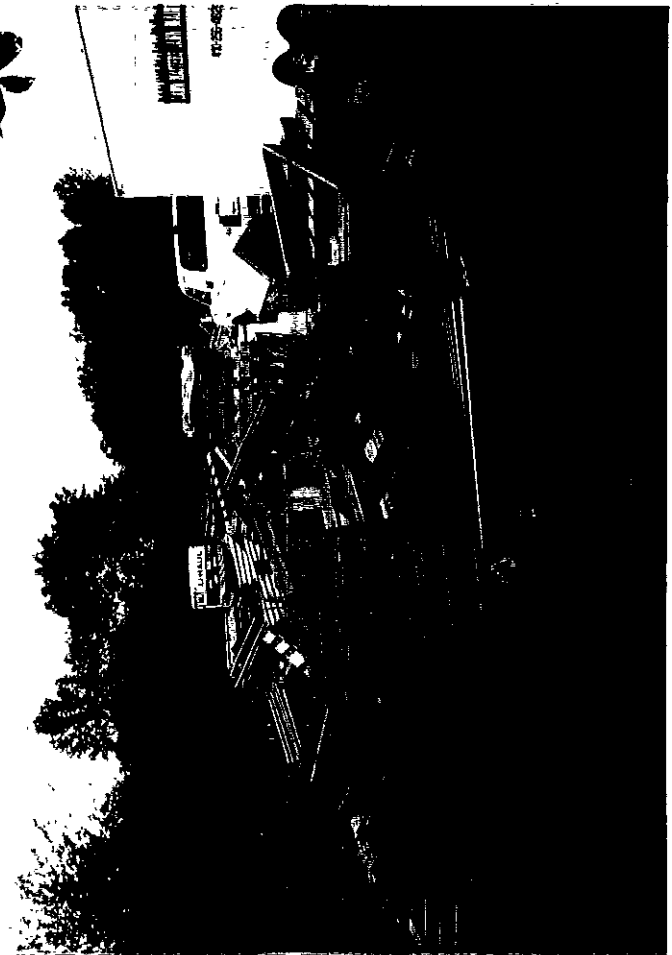
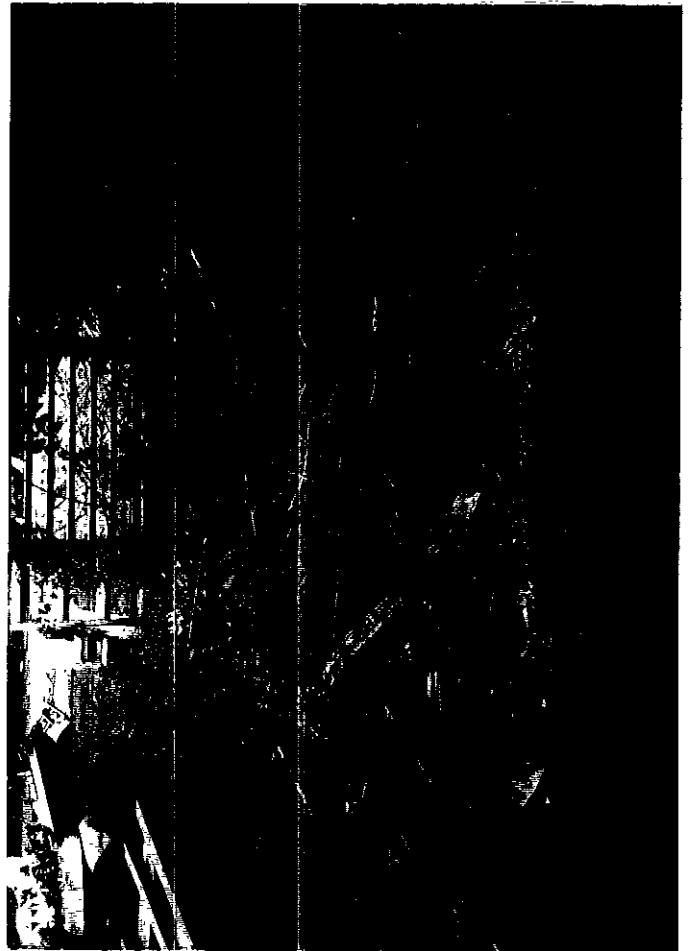
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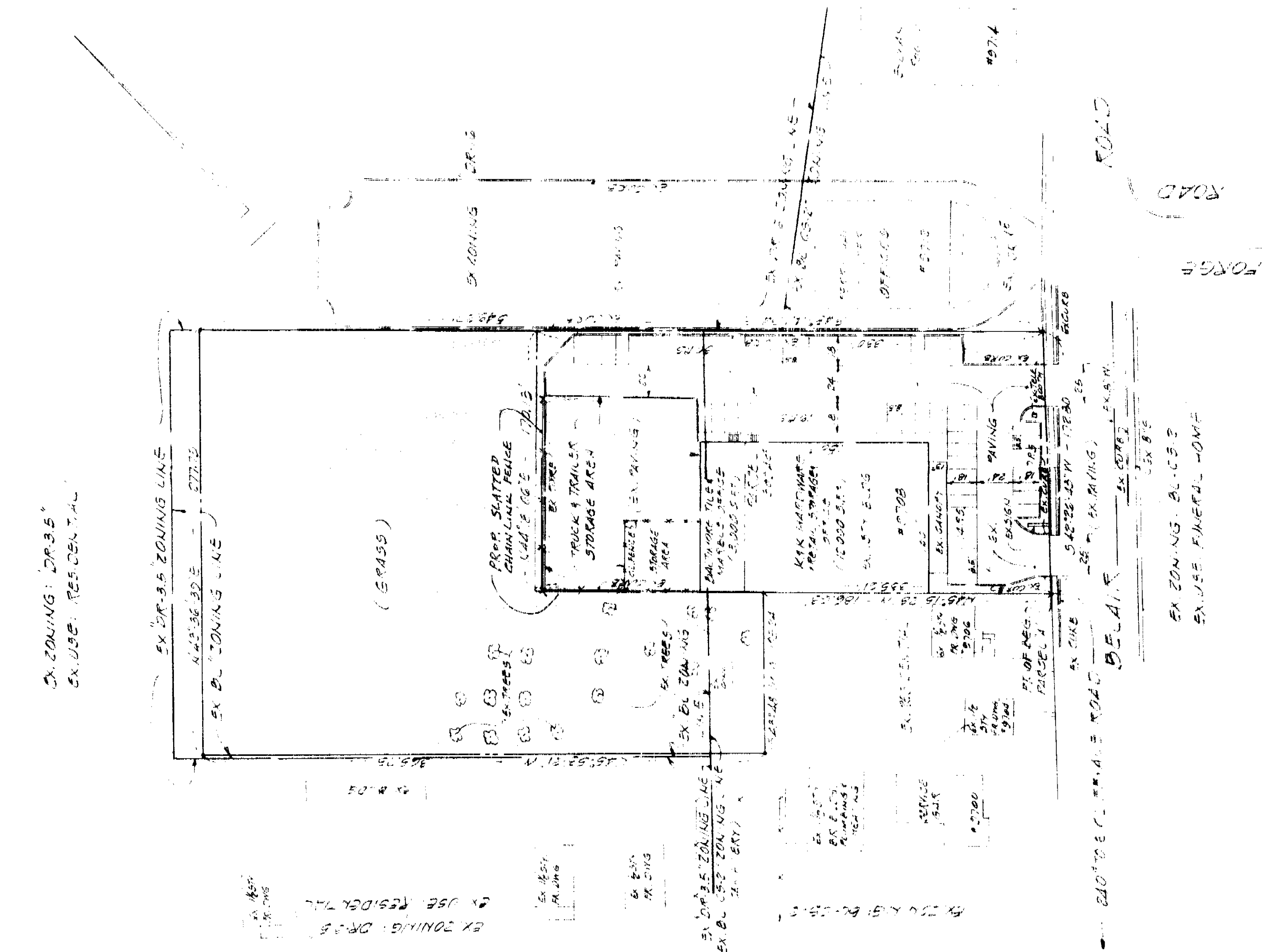










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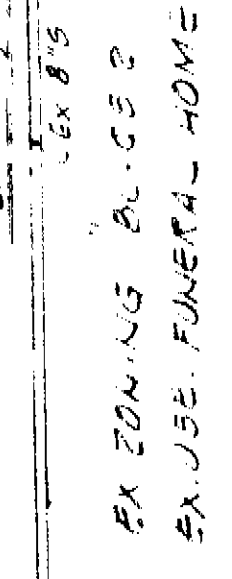
NOTES

04. FEB 2 1968 BEAUF RD 45

ELECT DIST. '05  
 BALTIMORE COUNTY MD.  
 JUL 15 1894

100

PAUL E. ELLIOTT, JR.  
304 N. PENNS. AVE. APT. 2504  
TOWSON, MARYLAND 21204



24-037